

IN THE MATTER OF an Inquiry pursuant to the *Public Inquiries Act* R.S.O. 1990, c. P.41, as amended, into Paediatric Forensic Pathology in Ontario established pursuant to Order in Council 826/2007

MOTION FOR STANDING

SUBMISSIONS OF THE PROVINCE OF ONTARIO

1. Her Majesty the Queen in right of Ontario (“Ontario”) seeks standing as a party at the Inquiry. Ontario, for purposes of the Inquiry, includes all ministries, agents and servants of the Crown with the exception of the Office of the Chief Coroner, its employees and agents. It is of particular importance that Ontario includes Crown attorneys and the Ontario Provincial Police.
2. The Commission’s mandate is to restore and enhance confidence in pediatric forensic pathology in Ontario and its future use in criminal investigations and prosecutions. Ontario has a direct and substantial interest in the subject-matter of the Inquiry given its responsibility for the administration of justice.
3. Ontario represents distinct and ascertainable interests and perspectives that are essential to the discharge of the Commissioner’s mandate. In the course of an investigation, forensic pediatric pathologists may interact with the Ontario Provincial Police and Crown Attorneys. The police and Crown

attorneys may rely on information provided to them by pediatric pathologists in performing their important public functions in our system of criminal justice. Public servants can provide information about the practice and use of pediatric forensic pathology in criminal investigations and prosecutions and about how key institutions within the justice system work together.

4. The Commissioner of the Ontario Provincial Police reports to the Minister of Community Safety and Correctional Services. The O.P.P. has an interest in ensuring that investigations are conducted thoroughly and fairly, and that there are no wrongful charges or convictions based on flawed pathology findings or evidence. The O.P.P. has a substantial interest in the Inquiry as it pertains to the interaction between police and forensic pathologists in the course of an investigation, and in assisting the Inquiry regarding best practices to ensure that investigations involving pediatric forensic pathology are thorough, objective and balanced.

5. In addition, the Attorney General, as chief law officer of the Crown, must superintend all matters connected with the administration of justice in Ontario, and also has a substantial interest in the role of pediatric forensic pathology in prosecutions. It is of utmost importance to the Attorney General that prosecutions be based on the best available scientific evidence and that the public have faith in the pediatric forensic pathology used in criminal prosecutions.

6. The O.P.P. and the Ministry of the Attorney General have documents relating to investigations and court proceedings that will be of assistance to the Inquiry. Ontario's participation as a party with standing at the Inquiry will ensure that relevant documents are identified and produced in a timely way and that any court orders, legislation, or legal principles that prohibit or limit the disclosure of such documents are brought to the attention of the Commission.
7. Ontario is responsible for the administration of the legal aid system, and for regulatory regimes for professionals in the areas of health and science. The recommendations of the Commission will likely affect provincial institutions, public servants and the public. Ontario has a unique perspective and can provide assistance to the Commission given its role in the administration of justice, its considerable experience in policy development and its role in the implementation of policy.
8. Ontario submits that it has a direct and substantial interest in the subject-matter of the Inquiry and that it represents distinct and ascertainable interests and perspectives that are essential to the discharge of the Commissioner's mandate. Ontario submits that it meets the criteria for standing as set out in the Rules of Procedure. Ontario therefore requests that it be granted standing as a party in the Inquiry.

9. Ontario does not wish to make oral submissions unless so required by the Commission.

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ATTORNEY GENERAL FOR ONTARIO
Crown Law Office – Civil
720 Bay Street, 8th Floor
Toronto, ON M5G 2K1

Kim Twohig
Tel.: 416-326-4171
Fax: 416-326-4181
E-mail: Kim.Twohig@ontario.ca

William Manuel
Tel.: 416-326-9855
Fax: 416-326-4181
E-mail: Bill.Manuel@ontario.ca

Heather C. Mackay
Tel.: 416-326-4129
Fax: 416-326-4181
E-mail: Heather.C.Mackay@ontario.ca

Counsel for the Province of Ontario